

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

JACQUELINE ASSISE and ROBERT)
ASSISE, individually and on behalf of all)
others similarly situated,)
Plaintiffs,) Case No. 1:22-cv-06068
v.) Honorable Virginia M. Kendall
HARLEY-DAVIDSON, INC.,)
Defendant.

JOINT MOTION TO STAY PROCEEDINGS IN LIGHT OF JPML ACTIVITY

Plaintiffs Jacqueline Assise and Robert Assise and Defendant Harley-Davidson, Inc., by and through their attorneys, respectfully request that this Court stay these proceedings, including Defendant's response to Plaintiff's complaint ("Complaint") and the parties' filing of a Joint Status Report or appearance at an initial status hearing, in deference to activity before the United States Judicial Panel on Multidistrict Litigation ("JPML").

In support of this motion, Defendant states as follows:

1. Plaintiffs filed their Complaint on November 3, 2022. (DE 1)
2. By minute entry dated November 10, 2022, this Court ordered the parties to file a Joint Status Report by January 23, 2023, and appear for an initial status conference on January 26, 2023. (DE 2)
3. Defendant was served with the Complaint on November 15, 2022. (DE 4)
4. On December 1, 2022, Plaintiffs and others filed a motion, pursuant to 28 U.S.C. § 1407, to transfer and centralize for pretrial proceedings a number of related civil actions, including this action (the "Related Actions") with the United States Judicial Panel on Multidistrict Litigation ("JPML"). *In re Harley-Davidson Aftermarket Parts and Sales Practices and Antitrust*

Lit. (MDL No. 3064, DE 1). Other similar motions may be filed. (The foregoing are collectively referred to herein as the “JPML Motions.”)

5. To preserve both party and judicial resources pending the JPML’s decision on the JPML Motions, Plaintiffs and Defendant respectfully move that this Court stay all proceedings with respect to this action (including Defendant’s response to the Complaint, the parties’ Joint Status Report and the initial status hearing) until further order of this Court or, if different, the transferee court, in light of the JPML Motions.

6. Following the JPML’s resolution of the JPML Motions, or the withdrawal of all pending JPML Motions, counsel for Plaintiffs and Defendant shall meet and confer in good faith to negotiate a schedule for: (1) Defendant to answer or otherwise respond to the Complaint and, if appropriate, a briefing schedule with respect to any motions to be filed pursuant to Fed. R. Civ. P. 12; and (2) the Parties to submit a Joint Status Report.

7. If Plaintiffs and Defendant are unable to agree to a schedule as set forth in the preceding paragraph, Plaintiffs and Defendant shall submit a joint brief to this Court or, if different, to the transferee court regarding such schedule.

8. Counsel for Plaintiffs has agreed to the relief sought by this Agreed Motion.

9. Counsel for Plaintiffs and Defendant further agree that nothing regarding this Joint Motion shall constitute a waiver of: (a) any jurisdictional defenses that may be available under Rule 12 of the Federal Rules of Civil Procedure; (b) any affirmative defenses under Rule 8 of the Federal Rules of Civil Procedure; or (c) any other statutory or common law defenses that may be available to Defendant in this and the other Related Actions. Defendant expressly reserves its rights to raise any such defenses (or any other defense) in

response to either the current Complaint or any amended complaint that may be filed relating to this action.

10. This is the first request for an extension of time filed by any party to this matter, and the extension request is made in good faith and will not prejudice Plaintiffs or Defendant.

WHEREFORE Plaintiffs Jacqueline Assise and Robert Assise and Defendant Harley-Davidson, Inc. respectfully request that this Court enter an order staying these proceedings in deference to activity before the JPML.

Dated: December 12, 2022

Respectfully submitted,

**JACQUELINE ASSISE and
ROBERT ASSISE**

/s/Carl V. Malmstrom

Carl V. Malmstrom

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CERTIFICATE OF SERVICE / NOTICE OF ELECTRONIC FILING

The undersigned, a non-attorney, hereby certifies, that on this 12th day of December, 2022, she electronically filed the foregoing **Joint Motion to Stay Proceedings in Light of JPML Activity** with the Clerk of the United States District Court For the Northern District of Illinois, using the ECF filing system, which sent electronic notification of this filing to any registered attorneys of record.

/s/Carolyn Surovic
Carolyn Surovic